IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14803 of 2008
MANTU YADAV @ MATO YADAV
Versus
STATE OF BIHAR
---

3 10.09.2008 Heard Mrs. Anjana Prakash, learned Senior Counsel for the petitioner and the counsel for the State.

The petitioner is an accused for the offence under Section 364(A)/34 of the Indian Penal Code. Counsel for the petitioner would submit that not only implication of the petitioner is false but also abnormally delayed on account of filing of a belated First Information Report instituted almost after two months of the alleged offence but even after the recovery of the alleged kidnapped boy, the implication of the petitioner could not surface in any manner in his statement recorded under Section 164 of the Code of Criminal Procedure. In this context, she has referred to the statement under Section 164 Cr. P.C., Annexure-2 which would go to show that whereas the victim boy after being recovered had specifically named Mangal Yadav, Adhik Yadav, Raj Kishore Yadav, Narayan Yadav, Gangori Ram and Sunil Ram to be the persons who had played the role in the offence of his kidnapping, neither the petitioner was named nor any allegation was made therein against the petitioner which could even remotely connect in any

WEB COPY
NOT OFFICIAL

manner.

Considering the aforementioned aspect of the matter as also the fact that the petitioner has remained in custody since 19.12.2007 i.e. for almost nine months, this Court would direct for release of the petitioner namely, Mantu Yadav @ Mato Yadav on bail in connection with Halsi P.S. Case No.71/2006 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of Sub-Divisional Judicial Magistrate, Lakhisarai. However, one of the sureties must be either the parents or a close relative of the petitioner.

WEB COPY NOT OFFICIAL

Bibhash **(Mihir Kumar Jha, J.)**